



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,182	12/18/2001	Jean-Claude Sauvestre	032013-036	8471
21839	7590	10/14/2003	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			TUDOR, HAROLD JAY	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application	Applicant(s)
	10/018,182 Examiner Tudor H.J	Sauvestre 8 Art Unit 3641

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on 9-24-03

This action is FINAL. This action is non-final.

Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1, 4-20 is/are pending in this application.

Of the above claim(s) 4, 6, 8, 9, 13, 16-19 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1, 5, 7, 10-12, 14, 15, 20 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

The proposed drawing correction, filed on _____ is approved or disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.

The drawing(s) filed on _____ is/are accepted or objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).

All Some* None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. _____.

Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). The translation of the foreign language provisional application has been received.

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
 Notice of References Cited, PTO-892
 Notice of Draftsperson's Patent Drawing Review, PTO-948

Interview Summary, PTO-413
 Notice of Informal Patent Application, PTO-152
 Other _____

Art Unit: 3641

1. Applicant has elected, without traverse, species A, Fig. 1. Claims 18 and 19 do not read on species A because the bullet of species A does not have fins on the rear part of the bullet. Claims 4, 6, 8, 9, 13 and 16-19, drawn to the non-elected species, are withdrawn from consideration in accordance with 37 CFR 1.142(b).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7, 10, 11, 14 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Winter 5,160,805.

Art Unit: 3641

Winter discloses, in Fig. 1, a bullet comprising a body 3 comprising copper, line 11 of col. 5, said body having an axial hole being open at the front of the bullet, and an internal core 2 formed of steel, line 6 of col. 5, located within the body and extending over a front part and a central part of the bullet and the internal core having a plurality of ribs formed on an outer surface. The ribs are formed by grooves 6.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winter 5,160,805 in view of Burczynski. Winter is applied as above. Winter discloses, in Fig. 1, that a portion of the front face of the internal core is located back from the front face of the front part of the bullet. However, Winter does not disclose a bullet wherein the entire front face of the internal core is located back from the front face of the front part of the bullet. Burczynski teaches having the entire front face of an internal central portion of a bullet set back from the front face of the front part of the bullet to enhance mushrooming of the bullet. To have the entire front face of the internal core set back from the front face of the front part of the Winter bullet to enhance mushrooming of the bullet, as taught

Art Unit: 3641

by Burczynski, would have been obvious to one having ordinary skill in the art at the time the invention was made.

6. Claims 10-12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter 5,160,805 in view of Dickerman. Winter is applied as above. However, Winter does not disclose longitudinal ribs on the surface of the internal core. Dickerman teaches using longitudinal ribs on the surface of an internal core of a bullet to prevent rotation of the core with respect to the body of the bullet, note elements 22 in Figs. 3 and lines 24-34 of page 2. To employ longitudinal ribs on the internal core of the Winter bullet to prevent rotation between the core and the body of the bullet, as taught by Dickerman, would have been obvious to one having ordinary skill in the art at the time the invention was made. It would have been an obvious design choice to one having ordinary skill in the art at the time the invention was made to vary the number of ribs to achieve a desire result.

7. Applicant's remarks have been carefully considered.

8. Applicant alleges that the combination of Winter '805 and Burczynski is improper because Burczynski is directed to a bullet

Art Unit: 3641

having a lead body without an internal core. A secondary reference need not disclose all the elements of the invention. The primary reference Winter '805 clearly discloses a bullet having a body and an internal core. Burczynski is being used solely for its teaching that it is old and well known in the art to have the entire front face of an internal central portion of a bullet set back from the front face of the front part of the bullet to enhance mushrooming of the bullet. Therefore, the combination of references is deemed to be proper.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

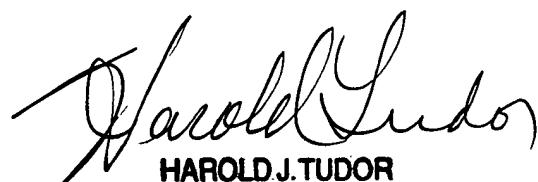
Art Unit: 3641

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold J. Tudor, whose telephone number is (703) 306-4172.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



HAROLD J. TUDOR
PRIMARY EXAMINER